

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FATEMAH AZIZIAN, et al.,

No. C 03-3359 SBA

Plaintiffs.

CLASS ACTION

v.

ORDER

FEDERATED DEPARTMENT STORES, et al.,

[Docket No. 475]

Defendants.

On March 28, 2006, this Court issued an Order instructing the Coordinated Objectors to inform the Court, no later than March 31, 2006, whether the Coordinated Objectors' Motion to Compel Class Counsel's Time Sheets and Expense Summaries [Docket No. 475] was being withdrawn in light of the Coordinated Objectors' statement, at the March 8, 2006 hearing before Special Master Charles Renfrew, that the Motion was moot.

On March 31, 2006, the Coordinated Objectors filed a Withdrawal of their Motion to Compel Class Counsel's Time Sheets Except as to Expenses [Docket No. 614]. In the Withdrawal, the Coordinated Objectors state that they are withdrawing their Motion to Compel Class Counsel's Time Sheets "except as to Class Counsel's expense records." Attached to the Coordinated Objectors' Withdrawal, however, is an excerpt of the transcript of the March 8, 2006 hearing showing that Mr. Toups, on behalf of the Coordinated Objectors, expressly stated that the *entire* Motion to Compel was moot. *See* Withdrawal at Ex. A. Indeed, according to what has been produced to the Court, there appears to have been *no* further discussion at the March 8, 2006 hearing with regard Class Counsel's expense summaries.

The March 8, 2006 hearing before Special Master Renfrew was specifically designed to address *both* the Motion to Compel [Docket No. 475] and the Motion for Attorney Fees and Expenses [Docket

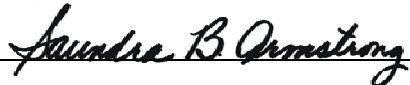
No. 451] in order to develop an adequate record so that the Special Master could make an informed recommendation to this Court. Regardless of their rationale for the decision, it is quite clear to this Court that the Coordinated Objectors expressly declined to pursue the Motion to Compel when given the opportunity to do so. The Coordinated Objectors' current contention that they have a new basis to file a renewed motion to compel Class Counsel's expense summaries – based on their Motion for Reconsideration of Total Fee Award and Opposition to Class Counsel's Petition for Attorney Fees and Expenses [Docket No. 617] – is irrelevant to the Court's determination of the instant Motion to Compel, which has been pending for almost a year. Indeed, the Coordinated Objectors' decision to seek duplicative relief lends further support to the Court's conclusion that the May 17, 2005 Motion to Compel is either moot or unnecessarily redundant.

Accordingly,

IT IS HEREBY ORDERED THAT the Coordinated Objectors' Motion to Compel Class Counsel's Time Sheets and Expense Summaries [Docket No. 475] is DENIED AS MOOT. The Coordinated Objectors are hereby reminded that, to the extent they are seeking relief from this Court by way of a motion, they are responsible for prosecuting the motion in a timely fashion by setting it for hearing before the Special Master in an expeditious manner.

IT IS SO ORDERED.

Dated: 3/31/06


SAUNDRA BROWN ARMSTRONG
United States District Judge